

RACHEL HOLLOWAY,)
)
Plaintiff,) Case No.: 6:20-cv-03309
v.)
)
ALBA FREIGHT LINES, INC.,)
)
Defendant.)

pursuant to 28 U.S.C. § 1446(b), because the same has been filed within thirty (30) days of service on Alba.

6. Pursuant to 28 U.S.C. § 1446(d), Alba files written notice of this removal with the Clerk of the Circuit Court of Greene County, Missouri, where Plaintiff's Petition is currently pending. A copy of this Notice of Removal and the written notice of the same have been served upon Plaintiff.

COMPLETE DIVERSITY OF CITIZENSHIP EXISTS

7. Plaintiff is a natural person residing in Missouri. *See*, Plaintiff's Petition, para 2.

8. Alba Freight Lines, Inc., is an Illinois domestic corporation organized under the law of Cook County, Niles, Illinois, and has its principal place of business in the State of Illinois. Accordingly, Alba Freight Lines, Inc., is a citizen of Illinois for the purposes of determining this Court's subject matter jurisdiction. *See* 28 U.S.C. § 1332 (c). *See* Plaintiff's Petition, Para. 3.

THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000

9. Where a plaintiff has not specified a specific amount of damages in its state court petition, the removing party "must prove by a preponderance of the evidence that the amount in controversy exceeds \$75,000." *Miller v. CEVA Logistics*, 2008 U.S. Dist. LEXIS 2116, *2 (W.D. Mo. 2008) (quoting *In re Minnesota Mut. Life Ins. Co. Sales Practices Litig.*, 346 F.3d 830, 834 (8th Cir. 2003)). Plaintiff may only defeat removal by showing "to a legal certainty that recovery cannot exceed \$75,000." *Miller*, 2008 U.S. Dist. LEXIS, at *3 (emphasis added).

10. Plaintiff alleges that Defendant's employee was negligent in causing an automobile collision. *See* Plaintiff's Petition, Para. 9.

11. Plaintiff alleges that the Defendant forced the Plaintiff off the road, she was placed in immediate fear of bodily injury, Defendant's action caused mental and emotional distress to her,

the distress was medically significant and she has and will continue to lose income. See Plaintiff's Petition, Paras. 9-14. Plaintiff alleges Defendant's employee acted with a reckless and evil motion. *Id at 15*. Based upon this information, it is believed the amount in controversy is in excess of \$75,000.00 and the jurisdictional amount is satisfied.

WHEREFORE, for the foregoing reasons, Defendant Alba Freight Lines, Inc., removes this action from the Circuit Court of Greene County, Missouri, to this Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

Respectfully submitted,

/s/ James R. Jarrow

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ATTORNEYS FOR DEFENDANT
ALBA FREIGHT LINES, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was electronically filed using the Federal Court's CM/ECF system on this 2nd day of October, 2020, and a copy was served via U.S. Mail, postage prepaid, to the following counsel:

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/s/ James R. Jarrow